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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 15 2002

TECH CENTER 1600/2900

In Re Application of:

Buhr, et al.

Serial No.: 09/408,396

Group No.: 1623

Filing Date: September 29, 1999

Examiner: H. Owens Jr.

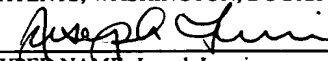
JUN 24 2002

For: Nucleoside 5'-Methylene Phosphonates

TECH CENTER 1600/2900

DATE OF DEPOSIT: May 3, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
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ON THE DATE INDICATED ABOVE AND IS ADDRESSED
TO BOX AF, ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, DC 20231.


TYPIST NAME: Joseph Lucci
REGISTRATION NO.: 33,307

BOX AF

Assistant Commissioner for Patents
Washington DC 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed November 6, 2001 finally rejecting claims 9-26 of the above-identified patent application.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

05/10/2002 BNGUYEN1 00000087 09408396

01 FC:217
02 FC:219

460.00 OP
160.00 OP

- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization

2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

	SMALL ENTITY		NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$460	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
<input type="checkbox"/> NOTICE OF APPEAL	\$160	\$160	\$320	\$
TOTAL FEE DUE		620.00		

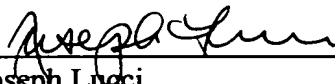
3. FEE PAYMENT

- ☒ A check in the amount of \$ 620.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$____. A duplicate of this transmittal is attached.



The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

Date: May 3, 2002



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Registration No. 33,307

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